

PATENT
Docket No. 246472007300
AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Fig. 6.

Attachment: 1 replacement sheet

REMARKS

Claim 1 has been amended. Support for the amendments to claim 1 can be found in the specification. Relative rotation of the tibial and condylar sliding surfaces is disclosed throughout the specification. Load transmission is disclosed at page 7, line 24 through page 8, line 12. No new matter has been added. Claims 1, 2, 4, and 5 are pending.

In the Office Action, the drawings were objected to. New Fig. 6 has been added. Support for Fig. 6 can be found throughout the specification. No new matter has been added. Fig. 6 illustrates the first further areas 16, which lie “in front of the areas of normal contact, sloping upward,” and the second further areas 17, “sloping upward behind the areas of normal contact.” Fig. 6 additionally illustrates the radius of curvature of the portion of the condylar sliding surface lying between area 13 and rear end 15 (designated as 24), and the radius of curvature of the tibial sliding surfaces 9 (designated as 23). Further, the areas 13-17 are identified. Fig. 3 has been designated as a cross section taken along line 21 of Fig. 2. The objections to the drawings have therefore been overcome and should be withdrawn.

Claims 1 and 4 were again rejected under 35 USC 102(b) as anticipated by Kaufer. Claims 1, 2, 4, and 5 were again rejected under 35 USC 102(e) as anticipated by Crabtree. Applicant respectfully traverses the rejections.

Regarding Kaufer, claim 1 recites “each of the condylar sliding surfaces remains in load-transmitting contact with the first or second further area of its corresponding associated tibial sliding surface during the rotation.” This element is not taught by Kaufer. Kaufer discloses condyles that straddle a spherical bearing and have runners 22 with front lower portions 26 that have a relatively larger radius of curvature (col. 2, ll. 50-56) than rear upper portions 28. When flexion occurs in Kaufer’s prosthesis, front lower portions 26 leave the tibial shoes and are replaced by the rear upper portions 28 having a smaller radius (col. 2, l. 52). During flexion, the spherical bearing 20 maintains the height of the femoral component above the tibial component, so that the rear upper portions 28 of Kaufer’s condyle runners 22, which have a smaller radius, cannot reach the surface of the tibial shoes, which has a shape corresponding to the larger radius of part 26. Therefore, a gap occurs between the tibial and femoral surfaces or, as expressed by Kaufer at col. 3, ll. 64-66, “the portions 28 of condyle runners 22 move slightly free of internal

shoe surfaces 42 which thus allows a light wobbling or controlled play.” Rotational movement is made possible by this lack of contact between the tibial and femoral surfaces. As a result, load transfer cannot take place through mutual contact of the condyles 22 with the shoes 38. Load transfer is instead performed by the spherical bearing 20. Thus, Kaufer does not teach condylar sliding surfaces remaining in load-transmitting contact with tibial sliding surfaces during rotation, as recited in claim 1. The rejection under 35 USC 102(b) must therefore be withdrawn.

Regarding Crabtree, claim 1 recites “tibial sliding surfaces configured for cooperating with and rotating relative to the condylar sliding surfaces.” Crabtree does not teach or suggest this element. Crabtree discloses a tibial insert 300 forming the tibial bearing surface, which can rotate on the tibial plateau 202 (¶ 0033, ll. 6-7). Any rotation therefore takes place between the tibial insert 300 and the tibial plateau 202, rather than between condylar and tibial sliding surfaces. Suppressing rotation of Crabtree’s prosthesis is accomplished by inserting a bumper 600 between the notch 308 of the tibial insert 300 and the stop of the tibial plateau 202. Because Crabtree does not disclose “tibial sliding surfaces configured for cooperating with and rotating relative to the condylar sliding surfaces” as recited in claim 1, the rejection under 35 USC 102(e) must be withdrawn. Claims 2, 4, and 5 depend from claim 1 and are therefore allowable for the above reasons.

Early action allowing claims 1, 2, 4 and 5 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **246472007300**.

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Respectfully submitted,

By: 

Jill DeMello Hill
Registration No. 42,477

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7718
Facsimile: (703) 760-7777

Attachments

REPLACEMENT SHEET